

THE INITIAL STATEMENT OF REASONS
ARTICLE 4.8 Mature Driver Improvement Course Approval
Program

Vehicle Code sections 1675, 1676, and 1677, authorize the department to approve a mature driver improvement course specifically for drivers 55 years of age or older for the purpose of obtaining a reduced premium rate for motor vehicle liability insurance.

Section 11628.3 of the Insurance Code requires every admitted insurer to provide for an appropriate percentage of reduction in premium rates for motor vehicle liability insurance for principal operators who are 55 years of age or older and who produce proof of successful completion of the mature driver improvement course approved by the department.

Section 1675 of the Vehicle Code requires the department to develop standards and criteria for the approval of a course curriculum designed for the safe driving needs of drivers who are 55 years of age or older. The components of the curriculum are specified in Vehicle Code section 1675.

The department may charge a fee for course approval and for each completion certificate issued to the course provider. The course provider is required to issue a completion certificate to participants upon satisfactory completion of the course, which is suitable evidence and eligibility for three years for the mature driver vehicle liability insurance premium reduction under Section 11628.3 of the Insurance Code. AB 2407 (Chapter 129, Statutes of 2006) amended Vehicle Code section 1676 to increase the maximum fee that may be charged for a mature driver improvement course from \$20 to \$30. This bill also authorized a renewal course that allows the completion certificate to be renewed if a subsequent course is taken within one year of expiration of a completion certificate. Vehicle Code section 1677 authorizes the department to investigate complaints concerning course providers and to withdraw approval of courses.

Approximately, 50,000 completion certificates are issued annually to participants. Currently there are fewer than 50 providers of mature driver improvement courses throughout California.

The proposed regulations codify an existing program; the Occupational Licensing Mature Driver Improvement Course Approval Program and propose the adoption of regulations authorizing a renewal course.

§346.00 Mature Driver Improvement Course

Proposed Section 346.00 introduces the Mature Driver Improvement Course. Subsection 346.00(a) requires any person aged 55 or older wishing to qualify for the reduced motor vehicle liability insurance as provided for by section 11628.3 of the Insurance Code to complete an initial 400 minute mature driver improvement course approved by the department. This is necessary to establish that only department-approved courses qualify a person aged 55 or older for the reduced motor vehicle liability insurance rate.

Subsection 346.00(b) provides that a completed Mature Driver Improvement Course Certificate, OL 1001 (Rev. 4/2007) serves as proof of course completion. This form is necessary in order to have a uniform method of recognizing course completion. The form is incorporated by reference because it is cumbersome and impractical to place the form in regulations. The form is available from the department headquarters in Sacramento to course providers with approved courses subject to the requirements of Section 346.14. This is necessary because only providers with approved course can order certificate forms.

The Mature Driver Improvement Course Certificate form, OL 1001 (Rev. 4/2007) comes in duplicate format. The form is titled Mature Driver Improvement Course and has check-boxes to indicate whether the course is a 400 Minute Course or 240 Minute Course and to indicate if the certificate is a Duplicate. The form contains sections for the student's contact information including the participant's name, address, and city, the driver license number, the course provider's identifying information and date of course completion. The provider must certify by signature under penalty of perjury under the laws of the state of California that the information on the certificate is true and correct.

Subsection 346.00(b)(1) states a completion certificate is valid for three (3) years from date of course completion. This is consistent with Section 11628.3 of the Insurance Code.

Subsection 346.00(c) authorizes a person to maintain eligibility for reduced motor vehicle liability insurance as provided under section 11628.3 of the Insurance Code by completing a subsequent 240 minute mature driver improvement renewal course prior to the expiration of a valid completion certificate. This is consistent with Vehicle Code section 1675 and is necessary to ensure that the driver enrolls in a department-approved course prior to the expiration of the certificate.

Subsection 346.00(c)(1) requires a mature driver to complete a 400 minute mature driver improvement course if the completion certificate has been expired for more than one year. This subsection allows the participant a one year (1) grace period to take a 240 minute renewal course after the expiration of a completion certificate. If a completion certificate has expired for more than one year then the participant is required to take the initial course again. This is necessary because a 400 minute course will qualify a person aged 55 or greater for the reduced motor vehicle liability insurance rate.

Subsection 346.00(d) authorizes course instruction to be provided in either a classroom or non-classroom setting. This is necessary because instruction may be provided in a classroom, through a correspondence course or via the Internet.

§346.02 Requirements for Approval to Provide a Mature Driver Improvement Course

Proposed Section 346.02 establishes the requirements for applicants to apply to the department for approval of a mature driver improvement course.

Subsection 346.02(a) provides that any individual, partnership, corporation, association, or public school may apply for approval of an initial or renewal course by submitting the specified application form to the department at its headquarters in Sacramento and meeting specified requirements. This is necessary to inform the affected public of course approval requirements and to identify the location where an application may be submitted.

Subsection 346.02(a)(1) specifies the Application for Approval of Mature Driver Improvement Course form, OL 1002 (Rev. 1/2007), as the required application form which must be submitted to the address listed on the form for applicants seeking approval of a mature driver improvement course. This is necessary to identify the specific application form required for course provider applicants. The form is incorporated by reference because the form is cumbersome and impractical to place in the regulations. The form is available to the public on the department's website, by mail, or electronic mail.

The Application for Approval of Mature Driver Improvement Course form, OL 1002 (Rev. 1/2007), requires the applicant's name, school name or DBA, business office and mailing address, and business telephone number. The person responsible for the program who will be the contact person, the manager/administrator, must provide his or her name, residence address, home telephone number and driver license number, and the issuing state. The department's mailing address for submitting the form is included. The form contains a section where the applicant identifies the type of program

being offered, whether it is in a classroom or non-classroom setting, or both. A physical description of the manager/administrator is required. These form elements are necessary so that the department has complete information about the course provider.

Subsection 346.02(a)(1)(A) requires the applicant's signature on form OL 1002 (Rev. 1/2007), under penalty of perjury under the laws of the State of California certifying the information on the form is true and correct, and that the curriculum provided in the course complies with the requirements of Vehicle Code section 1675 and Sections 346.04 and 346.06 of Title 13 of the California Code of Regulations. This is necessary to verify that the applicant understands the penalty for providing false information, and the curriculum complies with statute.

Subsection 346.02(a)(1)(B) requires the application form to be signed by the individual (if applicant is an individual); a partner (if applicant is a partnership); principal officer (if applicant is a corporation); or an administrator-in-charge (if applicant is an association or public school). It is necessary to specify who can sign the application based on the type of entity submitting the application.

Subsection 346.02(a)(2) requires the application for approval of a mature driver improvement course to include a copy of the proposed course curriculum described in Sections 346.04 and 346.06 of these regulations. This is necessary to ensure the curriculum includes the required course information and is part of the course approval process.

Subsection 346.02(a)(3) requires a one hundred dollar (\$100) non-refundable application fee to be included with an application for course approval. This is necessary to establish the required fee when applying for approval of the mature driver improvement course.

Costing for the mature driver improvement course application process indicates the department's costs are \$597.47 to process one application. A costing breakdown is included as Attachment 1. An application fee of \$597.47 may seem an exorbitant amount. The department application fee of \$100 is consistent with other programs which require licensure or approval by the department. The Mature Driver Improvement Program providers require very little oversight by the department and do not require in-depth monitoring.

Subsection 346.02(b) establishes that a course approval letter with the date of course approval and the provider identification number shall be sent to the applicant if the course has been approved. This is necessary to inform the

applicant of the course approval process and when a unique identification number will be assigned specifically to that course provider.

Subsection 346.02(c) informs the applicant that if a course is disapproved the applicant will be notified in writing indicating the reason for disapproval. This is necessary to establish a clear method of communication with the applicant regarding the status of the application.

Subsection 346.02(d) requires the course provider to submit a copy of the curriculum currently in use to the department upon request for purposes of compliance, investigation or conducting audit reviews. This is necessary for the department to conduct compliance reviews and to investigate complaints.

Subsection 346.02(e) informs the applicant that any proposed changes or alterations to the course, time schedule, or any changes to the curriculum shall be submitted to the department; the changes shall comply with Section 346.04 of these regulations. This is necessary to ensure the department is informed of any changes to the course.

Subsection 346.02(f) informs course providers who fail to comply with Vehicle Code sections 1675, 1676, and 1677, or these regulations, that approval will be withdrawn by the department. This is necessary to inform providers and applicants of the consequences of noncompliance with the statutes for course approval.

Subsection 346.04(g) informs providers that upon notice of disapproval of a mature driver improvement course, a course provider shall immediately surrender provider records as defined in Section 346.16 and completion certificates in their inventory to the department, and refrain from conducting the course. This is necessary to inform providers that have had course approval withdrawn of the immediate actions required of them.

§346.04 Mature Driver Improvement Course Requirements

Proposed Section 346.04 establishes the general curriculum and course requirements for classroom and non-classroom mature driver improvement courses. Subsection 346.04(a) specifies the department's Mature Driver Improvement Course Guidelines, OL 1008 (Rev. 10/2006) and requires the curricula to comply with all subjects outlined in the guidelines and with requirements specified in Subsections 346.04(a)(1) through (a)(5). The guidelines are incorporated by reference in subsection 346.04(a). This is necessary to establish the general curriculum requirements and specify subject matter to ensure the correct educational material is taught in courses. The Mature Driver Improvement Course Guidelines are incorporated by

reference because the guidelines are cumbersome and impractical to place in the regulations. The guidelines are available to the public on the department's website, by mail, or e-mail.

The Mature Driver Improvement Course Guidelines establish the lesson plan content and serve as a guideline for course approval. The guidelines detail instruction times, participation criteria, tests, statistical data, audio visual aids, course evaluation, participant workbooks and handout material. Mandatory topic areas are categorized into four sections: Health and Driving Performance; Effects of Medication and Alcohol; Rules of the Road and Defensive Driving Countermeasures; and Planning a Trip Ahead and Handling Hazardous Conditions. There are three elective topics: Recreational Vehicle Safety; Deciding When To Stop Driving; and Local Weather and Traffic Conditions Affecting Driving Performance.

Subsection 346.04(a)(1) requires the curriculum to contain comprehensive lesson plans, which are clear, well organized, and easy to follow. This is necessary to facilitate learning for the participants.

Subsection 346.04(a)(1)(A) requires the lesson plans to allow all participants to view pertinent material, followed by examples, diagrams or other visual aids to reinforce understanding of the material. This is necessary to facilitate learning for the participants.

Subsection 346.04(a)(1)(B) informs the applicant the non-classroom courses shall include the provider's procedure to ensure a completion certificate is issued only to a participant who has completed the course. This is necessary to ensure a procedure has been established so only participants who completed the entire course receive a completion certificate.

Subsection 346.04(a)(1)(C) requires online courses to include security measures to ensure each participant's personal information is secure. This is necessary to ensure the participant's personal information is secure during their online transactions.

Subsection 346.04(a)(2) informs the applicant that the curriculum shall cover all topics in Section 346.06 of these regulations and Vehicle Code section 1675 in sufficient detail to enable the department to evaluate specified information outlined in Subsections 346.04(a)(3)(A) through (a)(3)(C).

Subsection 346.04(a)(2)(A) informs the applicant that the curriculum shall be evaluated for the method(s) of presentation of the material. This is necessary to ensure the presentation of the material facilitates learning for the participants.

Subsection 346.04(a)(2)(B) informs the applicant that the curriculum shall be evaluated for the specific information that will be presented under each topic heading. This is necessary to ensure the presentation of the material facilitates learning for the participants.

Subsection 346.04(a)(2)(C) informs the applicant that the curriculum shall be evaluated to ensure the information is current and accurate. This is necessary to ensure curriculum is accurate and up-to-date.

Subsection 346.04(a)(3) informs the applicant that the curriculum shall provide statistical data regarding the relationship between aging and driving performance. The data to be discussed shall include, but shall not be limited to, information on accidents, convictions, and physical or physiological problems associated with the aging process. This is necessary so the participants have data regarding the aging process and how it affects driving performance.

Subsection 346.04(a)(4) requires the provider to update the curriculum to reflect any changes which affect the accuracy of the curriculum such as changes in law and motor vehicle technology. This is necessary to ensure the curriculum is up to date.

Subsection 346.04(a)(5) prohibits the curriculum from being combined with any other driver education curriculum. This is necessary so the Mature Driver Improvement Course course content is not replaced with any other driver education curriculum not meant for mature drivers.

Subsections 346.04(b)(1) and (b)(2) specify classroom course requirements. Subsection 346.04(b)(1) specifies the curriculum shall provide for at least 400 minutes of instruction for the initial course and 240 minutes of instruction for the renewal course, not to include time required for course registration, breaks, lunch break, and issuance of completion certificates. This is necessary to ensure valuable instruction time is not taken up by non-academic activities.

Subsection 346.04(b)(2) requires classroom courses to provide audio visual aids to demonstrate and supplement lecture material. This is necessary because audio visual aids have been proven to enhance learning for adult learners.

Subsection 346.04(c) establishes that the Initial 400 minute classroom course and the Renewal 240 minute classroom course shall not be combined and conducted simultaneously. Each course shall be conducted independently of

the other. This is necessary to ensure a participant earning a 400 minute course certificate and a participant earning a 240 minute renewal course certificate are not taking a course together simultaneously at any given time.

Subsections 346.04(d) specifies curriculum time schedules. This is necessary to ensure all participants have consistency in instruction. Subsections 346(d)(1) through (d)(3) require the classroom course curriculum to contain a course time schedule that specifies the time allotted for lunch or break periods, the approximate time allotted for each major subject area and group participation. Group participation may include, but not be limited to, question and answer sessions, Pre- and Post-knowledge tests, and group discussions. These requirements are necessary for the department to review the time schedule content and evaluate the appropriateness of the time spent in each subject area during the course. Group participation is necessary because group participation has been proven to enhance learning for adult learners.

Subsection 346.04(d)(4) requires not less than 40 minutes and not more than 100 minutes of audio visual materials during the 400 minute classroom course, and not less than 30 minutes and not more than 60 minutes of audio visual materials during the 240 minute classroom course that is appropriate to the course topic and lecture material, and that is clearly identified with a brief description of the content in the curriculum. This is necessary to ensure there is a balance in the amount of audio visual materials used in the course and ensure outdated or inappropriate audio visual aids are not presented to participants.

Subsection 346.04(e) provides classroom and non-classroom course criteria. Subsection 346.04(e)(1) requires classroom and non-classroom course lesson plan to include samples of any handout material, workbooks, or tests regularly used in the course as part of the course evaluation, if applicable. This is necessary to allow the department to review the handout material, workbooks, or tests for appropriateness and accuracy of information.

Subsection 346.04(e)(2) requires a sample the course evaluation form for participants. Completion of the evaluation shall not exceed 15 minutes. A sample of the evaluation form shall be submitted with the lesson plan. Limiting the course evaluation to 15 minutes is necessary to ensure the participant's time is used reasonably. A sample of the evaluation form is necessary for department review of the form as part of the overall course.

Subsection 346.04(f) requires the department be provided with access to an online course at all times for continued monitoring of content, with the exception of periods when technological maintenance is in progress. This is

necessary to ensure the curriculum is up to date and reflects changes in law, and motor vehicle technology.

Subsection 346.04(g) requires online course curricula to provide information specified in 346.04(g)(1) and (g)(2). Subsection 346.04(g)(1) requires online course curricula to contain the school name, provider identification number, school address and telephone number on each page of the curricula as header or a footer. This is necessary in case the participant is not able to return to the main page during the online course.

Subsection 346.04(g)(2) requires each course provider to furnish each participant with the department's approved disclaimer at the beginning of the course material, which in part, will state the course provider is not affiliated with the department and that the department shall not be responsible for distributed material, or advertisements. The disclaimer shall be titled DEPARTMENT OF MOTOR VEHICLES LEGAL NOTICE AND DISCLAIMER.

This information is necessary to inform participants that although DMV approves the course content, the department does not endorse any specific providers or methods of instruction.

§346.06 Curriculum Content Requirements

Subdivision (a) of proposed Section 346.06 specifies the course subjects to be taught in every mature driver improvement course. This is necessary to ensure the specified subjects are covered in the curriculum and place all requirements together for convenience of the reader.

Subsections 346.06(a)(1) through (a)(14) lists specific subjects that must be included in every mature driver improvement course curriculum. The subjects are the following: Visual/Hearing Limitations Associated with Aging; Physical/Physiological Changes Associated with aging; Effects of Medication on Driving Performance; Effect of Alcohol on Driving Performance; Updates of the Rules of the Road; Demands of Freeway Driving; Demands of Driving on an Open Highway; Demands of City Driving; Basic Defensive Driving Tactics; Planning a Trip Ahead; Driving in Hazardous Conditions; Road Rage; Pedestrian Safety; and Driving Distractions. This is necessary to ensure appropriate subject matter is included in the curriculum that has been found to significantly affect a mature driver's ability to drive.

Subsections 346.06(b)(1) through (b)(3) lists three elective topics of which the provider must select one to include in the instruction. All three must be contained in the curriculum. The topics are: Recreational Vehicle Safety; Deciding When to Stop Driving and Local Weather and Traffic Conditions

Affecting Driving Performance. The provider must provide instruction on at least one of these topics. These are necessary to include in the course curriculum because these issues have been found to significantly affect a mature driver's ability to drive.

§346.08 Advertising Mature Driver Improvement Courses

Proposed Section 346.08 specifies advertising requirements for providers of a mature driver improvement course. Subsection 346.08(a) requires any advertising of a mature driver improvement course that indicates the course fee must give the total cost of the course to the participant, including the cost of the completion certificate. This is necessary to ensure the participant is being given accurate course costs.

Subsection 346.08(b) requires any advertising of a mature driver improvement course to contain the business name of the provider and the identification number. This is necessary so the participant can obtain pertinent information from the department about the provider offering the course, upon request.

Subsection 346.08(c) prohibits providers from advertising that any reduction in insurance premium is guaranteed as a result of completion of the course. This is necessary because it is up to the insurance company to issue a premium reduction, not the provider or the department and the premium amount may be affected by driving history or other factors.

Subsection 346.08(d) prohibits providers from advertising that they are licensed or approved by the department. This is necessary to prevent providers from conducting unfair business practices by advertising falsely that they are licensed or approved by the department. Only the course is approved by the department, not the provider.

§346.10 Course Provider Changes

Proposed Subsection 346.10(a) requires a course provider to notify the department within 10 days of any change to the information that is required to be listed on the Application for Approval of Mature Driver Improvement Course form, OL 1002 (Rev. 1/2007), including specified information. This is necessary to keep the department up-to-date with the provider's information.

Subsections 346.10(a)(1) through (a)(3) specify information that is required to be updated in addition to any changes to information required to be listed on the Application for Approval of Mature Driver Improvement Course form. The following specified information shall be updated in (a)(1): provider business name, business address, and telephone number; (a)(2) individual, partner, corporation, or association, including change of corporate officers, if

a corporation; and (a)(3) the manager's and/or administrator's name, residence address and telephone number. These are necessary to keep the department up-to-date with the provider's information.

Subsection 346.10(b) requires any changes to be reported to the department on the provider's letterhead and to include the provider's department issued identification number. This is necessary to keep the department up-to-date with the provider's information and to ensure authentication of information.

Subsection 346.10(c) requires the provider to submit any additional documentation as required by the department to record any changes. This is necessary because the department may require documentation as proof of the changes.

§346.12 Mature Driver Improvement Course Certificates

Subsection 346.12(a) requires when a course provider determines a participant has successfully completed the course, the provider shall issue the participant a Mature Driver Improvement Course Certificate, OL 1001 (Rev. 4/2007). This is necessary as a means of giving the course participant an acknowledgement of course completion.

Subsection 346.12(b) requires the completion certificate to be prepared in duplicate form and distributed according to Subsections 346.12(b)(1) and (b)(2). It is necessary to prepare the form in duplicate so the participant can obtain the original and the provider can retain the copy for its records and for audit purposes.

Subsection 346.12(c) prohibits any person from copying, or in any way reproducing a completion certificate form in such a manner that it could be mistaken for an original or valid certificate. This is necessary to ensure certificate authenticity.

Subsection 346.12(d) allows the course provider to issue a duplicate certificate to the participant if the original is lost or destroyed. This is necessary in order to replace lost or destroyed certificates. A duplicate certificate shall be issued only by the course provider that issued the original certificate. This is necessary to ensure the authenticity of the duplicate certificate.

Subsection 346.12(d)(1) allows the course provider the option to charge the participant maximum of one dollar (\$1) for the duplicate certificate. This is necessary to allow the provider to recover the cost of the certificate.

Subsection 346.14(d)(2) requires the course provider to verify that the participant completed the course before issuing a duplicate certificate. This is necessary to ensure the participant actually completed the course and is not receiving the certificate erroneously or fraudulently.

Subsection 346.14(d)(3) requires the course provider to indicate the certificate is a duplicate by checking the Duplicate box on the form. This is necessary to distinguish the duplicate certificate from an original certificate.

§346.14 Provider: Fees, Receipts, and Purchasing Of Completion Certificate Forms

Proposed Section 346.14 addresses certificate form distribution to providers. Subsection 346.14(a) specifies that the department will issue the Mature Driver Improvement Course Certificate forms, OL 1001 (Rev 4/2007), in multiples of 100, to course providers with approved courses. This is necessary to ensure the integrity and authenticity of certificate forms and the quantity of form being distributed.

Subsection 346.14(b) requires certificate forms to be ordered on a Mature Driver Improvement Course Certificate order form, OL 1005 (Rev. 1/2007), which is incorporated by reference. This is not printed in code because it is cumbersome and impractical. The form is necessary to establish a consistent method of ordering certificate forms.

The Mature Driver Improvement Course Certificate order form, OL 1005 (Rev. 1/2007), requires the number of certificate books being ordered, the provider's contact information (business name, business address, authorized mailing address), and the provider's department issued identification number. The form requires the individual, partner, principal corporate officer, manager or administrator to certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct. The form indicates the order may take 4 to 6 weeks to process and that someone must be present to receive and sign for the shipment. The form also includes a statement that if the address provided differs from the address in the department's records, a report of address change must be submitted on the provider's business letterhead.

Subsection 346.14(c) authorizes the department to charge one dollar for each completion certificate issued to the course provider. This is consistent with Vehicle Code 1676, which states the department shall determine the fee for each completion certificate. The fee shall not exceed three dollars (\$3) for each completion certificate. The dollar fee has been determined by the department to suffice to cover the department's cost for certificate forms.

Subsection 346.14(d) specifies who may purchase completion certificates. This is necessary to limit who may purchase certificate forms from the department.

Subsection 346.14(e) requires completion certificates purchased by a course provider from the department to be used exclusively by the purchasing course provider and not sold or transferred to any other entity. This is necessary to ensure the certificates sold to a particular provider are used for that provider's courses only and not used by any other entity.

Subsection 346.14(f) limits the amount a course provider can charge a participant for a completion certificate to one dollar. This is necessary to ensure the provider does not profit from the certificates sold by the department.

Subsection 346.14(g) requires the provider to store unused completion certificates forms in a secure location. This is necessary to ensure unused certificate forms are treated in a manner to prevent their theft.

Subsection 346.14(h) requires the course provider to issue a receipt to each participant when payment is made for the course. This is necessary to ensure the participant is issued a receipt for monies paid and to ensure the participant did not pay in excess for the course or the certificate. The participant's copy of the completion certificate shall not be used in lieu of a receipt. This is necessary because the completion certificate does not serve as receipt of money paid for the course. The contents of the receipt are specified in Subsections 346.14(h)(1) through (h)(3).

Subsection 346.14(h)(1) requires the receipt to contain the amount paid by the participant for the course including any fee charged for the certificate. This is necessary because should an audit be conducted, the receipt will serve as proof of the amount paid by the participant.

Subsection 346.14(h)(2) requires the receipt to list the name and driver license number of the participant. This is necessary for audit purposes.

Subsection 346.14(h)(3) requires the receipt to list the business name, address, and phone number of the course provider, and the course provider identification number. This is necessary to identify the provider that issued the receipt to the participant.

§346.16 Course Provider Records

Proposed Section 346.16 establishes business record requirements for course providers. Subsection 346.16(a) requires each course provider to maintain

records for a period of three years and specifies the content of the records. This is necessary for audit and investigation purposes. Three years has been determined appropriate because it is a standard retention period for many state agencies.

Subsection 346.16(a)(1) requires the business record to include a copy of the approved Application for Approval of Mature Driver Improvement Course, OL 1002. This is necessary because it serves as a record of the original application and a basis for reporting changes to the department.

Subsection 346.16(a)(2) requires the business record to include a copy of the course provider business name and provider identification number. This is necessary for audit and investigation purposes.

Subsection 346.16(a)(3) requires the business record to include the name and driver license number of each participant. This is necessary in order to identify the participants at each course in case of an audit or investigation that may result from a complaint.

Subsection 346.16(a)(4) requires the business record to indicate whether each participant completed the course. This is necessary in order to know whether the participant was eligible to receive a completion certificate.

Subsection 346.16(a)(5) requires the business record to indicate the certificate identification number for each certificate for each certificate issued to each participant. This is necessary to track the certificate form provided to the participants and to the course provider.

Subsection 346.16(a)(6) requires the business record to indicate the county in which the course was held. This is necessary to track the location of the course.

Subsection 346.16(a)(7) requires the business record to indicate the beginning and ending dates of the course. This is necessary to track the dates of the course and for audit and investigation purposes.

Subsection 346.16(a)(8) requires the business record to include a record of each certificate form purchased, issued, voided, lost or destroyed. This is necessary for audit and investigation purposes.

Subsection 346.16(a)(8)(A) requires the business record to contain any completion certificates which are void; if so the form shall be marked Void on both copies. This is necessary so that certificates are not obtained fraudulently, and for audit and investigation purposes.

Subsection 346.16(a)(9) requires the business record to indicate whether the 400 minute or 240 minute course was completed. This is necessary to ensure the correct course is documented.

Subsection 346.16(b) requires all records related to a participant to be treated as confidential and protected from disclosure as provided under California Civil Code section 1798.24. This is necessary to protect the participant's personal information from identify theft and other unscrupulous activity, including unauthorized disclosure.

Subsection 346.16(c) requires a course provider that goes out of business, has course approval withdrawn or discontinues offering mature driver improvement courses, to notify the department immediately and to submit all records in subsections (a)(1) through (a)(9), along with any unused completion certificates forms to the department. This is necessary to ensure the department has the provider's records for audit purposes and any unused completion certificates have been accounted for.

Subsection 346.16(c)(1) allows a provider to provide copies of business records instead of original business records. This is necessary because providers may need the original records for income taxes purposes.

Subsection 346.16(c)(2) provides a course provider who goes out of business, has approval withdrawn, or discontinues offering mature driver improvement courses, to request a refund for unused completion certificates that are intact. This is necessary in order to give the provider an opportunity to recover funds spent on unused certificate forms.